

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of:	)	
	)	
Revision of Procedures Governing	)	MM Docket No. 05-210
Amendments To FM Table of Allotments and	)	RM-10960
Changes Of Community of License in the	)	
Radio Broadcast Services	)	

To: The Commission

**COMMENTS OF BAYBRIDGE COMMUNICATIONS, LLC**

Baybridge Communications, LLC (“Baybridge”), licensee of AM expanded band station KDIA, 1640 kHz, Vallejo, CA, and AM standard band station KDYA, 1190 kHz, Vallejo, CA, by its attorneys, hereby submits its comments in support of the Commission’s rule making proposing, among other things, to permit change of an AM broadcast station’s community of license through a minor modification application. **Specifically, Baybridge requests the Commission to clarify that its proposed rule change—treating community of license changes as minor modifications—also applies to AM expanded band stations (1610-1700 kHz).** These comments are submitted pursuant to the *Notice of Proposed Rule Making* (the “NPRM”), FCC 05-210, released June 14, 2005.<sup>1</sup>

1. The NPRM examines changes to the Commission’s procedures for making certain modifications to broadcast facilities. Among other things, it would permit AM and FM station community of license changes by minor modification applications. The advantages of this approach are manifold. The new approach would streamline the consideration of changes of

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<sup>1</sup> The deadline date for Comments is October 3, 2005. Accordingly, these Comments are timely filed.

community of license for AM stations. Currently, AM community of license applications are major modifications which are engrafted on the auction process. Consequently, an AM licensee must wait for the opening of an AM auction filing window to apply for a change of community of license. This process imposes a number of procedural impediments to licensees proposing community of license.

2. The factors imposing procedural impediments to licensees proposing a community of license change apply equally to the consideration of changes of community of license for expanded band stations. Almost four years ago, the Commission imposed a freeze on major modifications of AM Expanded Band stations.<sup>2</sup> In general, freezes on the filing of applications do not serve the public interest, because applications that are otherwise determined to be in accord with Commission rules and policies are indiscriminately excluded from consideration. A freeze is often a de facto rule change without the administrative benefit of prior public notice and comment.

3. When it imposed the freeze, the Commission stated that “[a] freeze on the filing of major change applications will provide an opportunity to study novel and complex AM expanded band licensing issues, including protection standards, facility classes, and eligibility requirements.”<sup>3</sup> It is unknown to what extent FCC staff has engaged in this study. What is known, however, is that expanded band licensees—as the result of the almost four-year-old freeze—are prohibited from taking advantage of the same opportunities for facility enhancement and change that are accorded to every other aural broadcast licensee. Indeed, changes to communities of license proposed by standard band licensees could foreclose like changes by

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<sup>2</sup> *Public Notice, Freeze Announced on the Filing of AM Expanded Band Major Change Applications*, DA 02-239 (February 1, 2002).

<sup>3</sup> *Id.*

expanded band stations, unless the proposed rule changes for community of license modifications also apply to AM expanded band stations.

4. In these comments, Baybridge does not suggest lifting the expanded band freeze and assumes that the freeze will remain in place for major modifications AM expanded band facilities. Rather, Baybridge submits that it would be in the public interest to clarify that community of license changes for both expanded band and standard band AM facilities are minor changes and subject to the new change procedures. There is a notable restriction on moving the community of license of an expanded band station that does not apply to standard band stations. Expanded band stations must not move actual facilities more than 20 kilometers from the expanded band allotment coordinates.<sup>4</sup> Accordingly, even assuming that some of the issues raised by the freeze remain to be resolved, the Commission's policies otherwise restrict wholesale moves of expanded band stations. Provided that technical requirements are satisfied, there is no public interest reason why expanded band stations should be treated differently from standard band stations with respect to community of license changes.

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<sup>4</sup> See *Technical Assignment Criteria for the AM Broadcast Service*, 6 RCC Rcd 6273 (1991) at paragraph 129.

WHEREFORE, for the reasons above, Baybridge urges the Commission to clarify in the proposed rule making that expanded band AM station community of license changes are minor modification applications.

Respectfully submitted,

**Baybridge Communicaitons, LLC**

October 3, 2005

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